

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to expedited licensing of spouses of active duty military personnel

The Professional Licensure Division hereby amends Chapter 20, “Military Service and Veteran Reciprocity,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 17A.3 and 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 272C.4.

Purpose and Summary

2019 Iowa Acts, House File 288, amended Iowa Code section 272C.4, which governs the duties of the boards for establishing procedures to expedite the licensing of individuals who are veterans or actively serving in the military. This change in the Iowa Code directed the Division to establish procedures to expedite the licensing of spouses of active duty members of the military forces in cases in which the spouse is already licensed in another state where the professional and occupational licensing requirements are substantially equivalent to Iowa’s requirements.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 11, 2019, as **ARC 4654C**. A public hearing was held on October 1, 2019, at 9:30 a.m. in the Fifth Floor Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Division on February 24, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 29, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend **645—Chapter 20**, title, as follows:
MILITARY SERVICE, AND VETERAN RECIPROCITY, AND SPOUSES OF ACTIVE DUTY SERVICE MEMBERS

ITEM 2. Amend rule 645—20.1(85GA,ch1116), parenthetical implementation statute, as follows:

645—20.1(85GA, ~~ch1116~~ 272C) Definitions.

ITEM 3. Adopt the following new definition of “Spouse” in rule **645—20.1(272C)**:
“*Spouse*” means a spouse of an active duty member of the military forces of the United States.

ITEM 4. Amend rule 645—20.2(85GA,ch1116), parenthetical implementation statute, as follows:

645—20.2(85GA, ~~ch1116~~ 272C) Military education, training, and service credit.

ITEM 5. Amend rule 645—20.3(85GA,ch1116) as follows:

645—20.3(85GA, ~~ch1116~~ 272C) Veteran and active duty military spouse reciprocity.

20.3(1) A veteran or spouse with an unrestricted professional license in another jurisdiction may apply for licensure in Iowa through reciprocity. A veteran or spouse must pass any examinations required for licensure to be eligible for licensure through reciprocity and will be given credit for examinations previously passed when consistent with board laws and rules on examination requirements. A fully completed application for licensure submitted by a veteran or spouse under this subrule shall be given priority and shall be expedited.

20.3(2) Such an application shall contain all of the information required of all applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. The applicant shall use the same forms as any other applicant for licensure by reciprocity and shall additionally provide such documentation as is reasonably needed to verify the applicant’s status as a veteran under Iowa Code section 35.1(2) or a spouse of an active duty member of the military forces of the United States.

20.3(3) Upon receipt of a fully completed licensure application, the board shall promptly determine if the professional or occupational licensing requirements of the jurisdiction where the veteran applicant is licensed are substantially equivalent to the licensing requirements in Iowa. The board shall make this determination based on information supplied by the applicant and such additional information as the board may acquire from the applicable jurisdiction. As relevant to the license at issue, the board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, postgraduate experience, and examinations required for licensure.

20.3(4) The board shall promptly grant a license to the veteran applicant if the veteran applicant is licensed in the same or similar profession in another jurisdiction whose licensure requirements are substantially equivalent to those required in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant’s disciplinary or criminal background.

20.3(5) If the board determines that the licensing requirements in the jurisdiction in which the veteran applicant is licensed are not substantially equivalent to those required in Iowa, the board shall promptly inform the veteran applicant of the additional experience, education, or examinations required for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary or criminal background, the following shall apply:

a. If a ~~veteran~~ applicant has not passed the required examination(s) for licensure, the ~~veteran~~ applicant may not be issued a provisional license, but may request that the licensure application be placed

in pending status for up to one year or as mutually agreed to provide the ~~veteran~~ applicant with the opportunity to satisfy the examination requirements.

b. If additional experience or education is required in order for the applicant's qualifications to be considered substantially equivalent, the applicant may request that the board issue a provisional license for a specified period of time during which the applicant will successfully complete the necessary experience or education. The board shall issue a provisional license for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare or safety of the public unless the board determines that the deficiency is of a character that the public health, welfare or safety will be adversely affected if a provisional license is granted.

c. If a request for a provisional license is denied, the board shall issue an order fully explaining the decision and shall inform the applicant of the steps the applicant may take in order to receive a provisional license.

d. If a provisional license is issued, the application for full licensure shall be placed in pending status until the necessary experience or education has been successfully completed or the provisional license expires, whichever occurs first. The board may extend a provisional license on a case-by-case basis for good cause.

20.3(6) ~~A veteran~~ An applicant who is aggrieved by the board's decision to deny an application for a reciprocal license or a provisional license or is aggrieved by the terms under which a provisional license will be granted may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board's decision. The provisions of 645—Chapter 11 shall apply, except that no fees or costs shall be assessed against the ~~veteran~~ applicant in connection with a contested case conducted pursuant to this subrule.

ITEM 6. Amend **645—Chapter 20**, implementation sentence, as follows:

These rules are intended to implement ~~2014 Iowa Acts, chapter 1116, division VI~~ Iowa Code section 272C.4 as amended by 2019 Iowa Acts, chapter 9.

[Filed 2/24/20, effective 4/29/20]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/25/20.